

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10 EB-07

COME-00 TRSE-00 AID-05 CU-04 CIAE-00 DODE-00 PM-04

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E.O. 11652: N/A

TAGS: AORG, UN, UNESCO, OCON

SUBJECT: 30TH UNGA AGENDA ITEM 26 - DRAFT RES ON RESTITUTION
OF WORKS OF ART

REF: STATE 263248

1. PLENARY SESSION NOV 19TH DISCUSSED IN MILD TERMS, RESOLUTION A/L.766/REV.1, RESTITUTION OF WORKS OF ART TO COUNTRIES VICTIMS OF EXPROPRIATION." ADDITIONAL CO-SPONSORS WERE CONGO, CYPRUS, JORDAN, MAURITIUS, SUDAN, SYRIAN ARAB REPUBLIC, INDONESIA, PHILIPPINES AND TOGO. ZAIRE PROPOSED AN ADDITION TO OPERATIVE PARAGRAPH 5, WHICH WAS INCORPORATED WITHOUT DEBATE: "LOOKS FORWARD TO THE MEETING OF THE COMMITTEE FOR THE RESTITUTION OF WORKS OF ART TO COUNTRIES THE VICTIMS OF EXPROPRIATION ESTABLISHED BY UNESCO." REMAINDER OF PARAGRAPH NOT CHANGED.

2. ZAIRE, BYELORUSSIA, EGYPT, GREECE, POLAND AND ALGERIA SPOKE IN EXPLANATION BEFORE VOTE. THE BYELORUSSIAN SPOKESMAN EXPHASIZED THE SPOILATION BY THE NAZIS IN WORLD WAR II OF BYELORUSSIAN LIBRARIES AND CULTURAL FACILITIES, AND TIED TOPIC WITH AN ATTACK ON ALLEGED ISRAELI CURRENT DESTRUCTION OF ARAB CULTURAL FACILITIES. THE EGYPTIAN SPOKESMAN FOLLOWED AND CONTINUED THE THRUST OF BYELORUSSIAN ATTACKS ON ISRAEL. THIS

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RESULTED IN VIGOROUS RIGHT OF REPLY BY THE ISRAELI DELEGATE

AFTER THE VOTING.

3. THE RECORDED VOTE WAS 96-0-16(US). ABSTENTION GROUP CONSISTED ESSENTIALLY OF THE EUROPEAN GROUP, PLUS IRELAND, ISRAEL AND U.S. EXPLANATION AFTER THE VOTE WAS GIVEN BY BELGIUM, NORWAY, IRELAND, ARGENTINA AND U.S.A. BELGIUM ABSTAINED BECAUSE IT DID NOT WISH TO JEOPARDIZE NEGOTIATIONS CURRENTLY UNDERWAY WITH ZAIRE ON RETURN OF ART OBJECTS; NORWAY, WHILE ABSTAINING, EXPRESSED BASIC SYMPATHY WITH THE RESOLUTION, BUT FELT THAT THE ISSUES WERE SO COMPLEX THAT THE MATTER SHOULD BE DEALT WITH ONLY BY EXPERTS; IRELAND ABSTAINED BECAUSE IT OBJECTED TO OPERATIVE PARAGRAPH 6, AND FELT THAT UNESCO SHOULD HANDLE THIS TOPIC RATHER THAN THE GA; ARGENTINA EXPLAINED THAT IT HAD BEEN ABSENT AT THE VOTE, BUT THAT IF IT HAD BEEN PRESENT IT WOULD HAVE VOTED FOR THE RESOLUTION.

4. THE U.S. STATEMENT WAS IN ACCORDANCE WITH GUIDANCE IN PARAGRAPH 3, STATE 263248. THE TEXT OF THE STATEMENT FOLLOWS:

QUOTE MY DELEGATION FULLY SUPPORTS THE NOTION THAT IT IS THE COMMON DUTY OF US ALL TO DISCOURAGE THE ILLEGAL TRANSFER OF WORKS OF ART. NOR IS THIS A NEW POSITION FOR US. THE PRESIDENT OF THE UNITED STATES STATED IN 1972 THAT WE DEPLORE "THE ILLICIT MOVEMENT OF NATIONAL ART TREASURES". WE, MOREOVER, RECOGNIZE THAT THERE IS SOMETHING PARTICULARLY OBNOXIOUS ABOUT SUCH ILLEGAL ACTIVITIES WHEN THEY INVOLVE TAKING ADVANTAGE OF THE WEAK AND THE DEFENSELESS.

WE WHOLE-HEARTEDLY SUPPORT RESPONSIBLE EFFORTS ON THE PART OF THE INTERNATIONAL COMMUNITY TO DEAL WITH THIS PROBLEM. WE HAVE TAKEN CONCRETE ACTION. OUR ACTION INCLUDES, AMONG OTHER THINGS:

FIRST, A TREATY WITH MEXICO ENSURING CO-OPERATION IN THE RECOVERY AND RETURN OF ARCHEOLOGICAL, HISTORICAL AND CULTURAL PROPERTIES;

SECONDLY, OUR VOTE IN SUPPORT OF THE UNESCO CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY;
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THIRDLY, APPROVAL BY THE UNITED STATES SENATE OF THAT UNESCO CONVENTION. WE STRONGLY SUPPORT THE INVITATION TO OTHER GOVERNMENTS TO BECOME PARTIES TO THAT CONVENTION;

FOURTHLY, THE SUBMISSION TO BOTH HOUSES OF CONGRESS OF LEGISLATION TO IMPLEMENT THE CONVENTION IN FULL.

FIFTHLY, THE ADOPTION OF PUBLIC LAW 92-587, TITLE II OF WHICH REGULATES THE IMPORTATION OF PRE-COLOMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS.

IN ADDITION TO ALL THAT, THE LEGAL SYSTEM OF THE UNITED STATES IS SUCH THAT ANY FOREIGN GOVERNMENT OR INDIVIDUAL MAY SUE IN AN AMERICAN COURT TO REGAIN PROPERTY ALLEGED TO BE STOLEN AND LOCATED WITHIN THE UNITED STATES. AND THIS IS NO ABSTRACT OR THEORETICAL POSSIBILITY, AS THE GOVERNMENT OF GUATEMALA KNOWS FULL WELL FROM ITS SUCCESSFUL EFFORTS IN OUR COURTS.

I HAVE RECOUNTED OUR EFFORTS TO DATE IN THIS FIELD TO DISPEL ANY DOUBT THAT WE ARE ONE WITH WHAT WE PRESUME TO BE THE GOALS OF THOSE WHO PROPOSED THE DRAFT IN DOCUMENT A/L .766/REV.1. WE THEREFORE GREATLY REGRET THE FACT THAT THE RESOLUTION IS SO IMPRECISELY DRAFTED AS TO HAVE MADE IT IMPOSSIBLE FOR US TO VOTE FOR IT. THE SINGLE CRITICISM I OFFER IS THAT IMPRECISE WORDING WHICH CAN BE UNDERSTOOD TO TREAT THE THIEF AND THE LEGITIMATE PURCHASER IN THE SAME MANNER.

BUT IN TURNING AWAY FROM THIS PARTICULAR RESOLUTION, MY GOVERNMENT SUGGESTS THAT WE ALL SHOULD BE DRAWING UPON THE EXTENSIVE EXPERIENCE AND EXPERTISE OF UNESCO AND SEEKING TO MESH OUR EFFORTS WITH THOSE OF UNESCO. FINALLY, WE WISH TO GO ON RECORD AS STRONGLY RECOMMENDING TO ALL GOVERNMENTS THE ADOPTION OF THE UNESCO CONVENTION AND THE RESTITUTION OF CULTURAL PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF THAT CONVENTIONS. UNQUOTE
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